

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

GWENDOLYN P. MCQUIRTER,)	
et al.,)	
)	
Plaintiffs,)	
)	
v.)	CASE NO.: 2:07-cv-00234-MEF-WC
)	
CITY OF MONTGOMERY, et al.,)	
)	
Defendants.)	

MOTION FOR LEAVE TO FILE SECOND
AMENDED COMPLAINT

COMES NOW the Plaintiffs, Gwendolyn & Charles McQuirter, by and through their undersigned counsel, and pursuant to Rule 15(a), *Fed.R.Civ.P.*, respectfully moves the Court for leave to file their Second Amended Complaint, and as grounds therefore would show as follows:

1. This action was removed from the Circuit Court of Montgomery County, State of Alabama, on March 15, 2007. At the time of removal, Plaintiffs' First Amended Complaint, which asserted claims against Defendant City of Montgomery and certain fictitious defendants, was pending in state court. (Doc. 1).
2. That on June 29, 2007, as a result of depositions being taken, Plaintiffs determined that K.C. Bentley and R.E. Cook, employees of Defendant City of Montgomery, previously identified as fictitious defendants, were due to be added as defendants to this action.
3. That simultaneously with the filing of this motion, Plaintiffs have filed their Second Amended Complaint adding Bentley and Cook as defendants.
4. That Plaintiffs' amended complaint is timely filed as the Court's Uniform Scheduling Order dated May 7, 2007, established the date of July 16, 2007, as the deadline for motions to amend the pleadings and to add parties. (Doc. 8, Section 4).

WHEREFORE Plaintiffs request that the Court grant leave unto them to file their Second

Amended Complaint, for the reasons set forth herein.

/s/ Jerry M. Blevins
JERRY M BLEVINS (BLE003)
Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of July, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following parties or counsel:

Kimberly O. Fehl, Esq.
Legal Department
City of Montgomery .
P.O. Box 1111
Montgomery, Alabama 36101-1111

/s/ Jerry M. Blevins
Jerry M. Blevins